

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 16-20436

Honorable David M. Lawson

SHIRLEY DOUGLAS and MALIK FUQUA,

Defendants.

ORDER REGARDING DEFENDANTS' PRETRIAL MOTIONS

This matter is before the Court on several motions by the defendants to dismiss the indictment, suppress evidence, and for certain other relief. The Court has reviewed the submissions of the parties and heard oral argument on August 7, 2018. During the course of the hearing the Court announced from the bench its decisions with respect to each of the motions.

Accordingly, it is **ORDERED** that defendant Shirley Douglas's motion to dismiss the superseding indictment [128] is **DENIED** for the reasons stated on the record.

It is further **ORDERED** that defendant Douglas's motion to suppress information obtained via an order issued under the Stored Communications Act, 18 U.S.C. § 2703(d) [129] is **GRANTED** for the reasons stated on the record, and all cell-site location data from defendant Douglas's cell phone that was obtained by the government via an order issued under section 2703(d) is **EXCLUDED** from use at the trial in this matter.

It is further **ORDERED** that defendant Douglas's motion *in limine* requesting a pretrial evidentiary hearing on the admissibility of co-conspirator statements [168] is **DENIED** for the reasons stated on the record. The Court advises the parties that it conditionally will permit the government to introduce evidence of co-conspirator statements at trial subject to any appropriate

contemporaneous objection. At the close of the proofs the Court will make a determination whether the government has advanced sufficient proofs to establish the admissibility of those statements and entertain a motion for a mistrial if it finds that the requisite proofs are lacking.

It is further **ORDERED** that defendant Douglas's motions to suppress [130, 131] are taken under advisement and the Court will issue a written decision on those motions in due course.

It is further **ORDERED** that defendant Malik Fuqua's motion to dismiss the superseding indictment based on violations of the scheduling order [137] is **DENIED** for the reasons stated on the record.

It is further **ORDERED** that defendant Fuqua's motion to dismiss the superseding indictment for multiplicity and on other grounds [139] is **DENIED** for the reasons stated on the record.

It is further **ORDERED** that defendant Fuqua's motion to dismiss the superseding indictment based on the government's alleged failure to disclose exculpatory information [140] is **DENIED** for the reasons stated on the record.

It is further **ORDERED** that defendant Fuqua's motion for a bill of particulars [141] is **DENIED** for the reasons stated on the record.

It is further **ORDERED** that defendant Fuqua's motion to dismiss for vagueness and on other grounds [138] is taken under advisement and the Court will issue a written decision on that motion in due course.

It is further **ORDERED** with respect to defendant Douglas's purported joinder in defendant Fuqua's motions [172] that the rulings of the Court with respect to defendant Douglas are the same

as those announced by the Court on the record and set forth in this order with respect to defendant Fuqua, and in all other respects defendant Douglas's joinder is **STRICKEN**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 8, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 8, 2018.

s/Susan Pinkowski
SUSAN PINKOWSKI